

**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT**

WORCESTER, SS.

19 90 Filed in Court 10/1
Robert Hendrickson Attest CRIMINAL
10/1 10/1 10/1 10/1
 Assistant Clerk - Magistrate
 NO. 90-2250
Thru 56

COMMONWEALTH OF MASSACHUSETTS)

vs.)

Robert Hendrickson)

PRETRIAL CONFERENCE REPORT*

A pretrial conference was held on October 1, 19 90 with the following results:

1. Agreements reached by the parties concerning discovery ^{1, 2}

1. (Mandatory discovery for the defendant — Rule 14 (a) (1) The Commonwealth agrees to provide the defendant on or before two weeks before M, 19 the following:

- ☒ written or recorded statements of the defendant in possession, custody, or control of the Commonwealth.
- ☒ relevant written or recorded grand jury testimony.
- ☒ any facts of an exculpatory nature within the possession, custody, or control of the prosecutor.

2. (Discretionary discovery for the defendant — Rule 14 (a) (2). The Commonwealth agrees that on or before two weeks before M, 19 it will provide the defendant in writing, or to allow inspection of, the following which are in the possession of the Commonwealth:

- ☒ material and relevant physical evidence and documents (specify) if any
- ☒ reports of mental or physical examinations and of scientific tests if any
- ☒ statements of persons, as defined in Rule 13(d)
- ☒ names and addresses of proposed witnesses.

3. (Reciprocal discovery for the prosecution — Rule 14(a) (3). Defendant agrees that on or before two weeks before M, 19 is will provide the Commonwealth in writing, or allow inspection of, the following which are in the possession of the defendant:

- ☒ the following material and relevant physical evidence and documents (specify) a copy of the probable cause transcript if any
- ☒ reports of mental or physical examinations and of scientific tests
- ☒ statements of persons (as defined in Rule 13(d))
- ☒ names and addresses of proposed witnesses.

4. (Notice of alibi — Rule 14(b) (1)) The Commonwealth hereby notifies the defendant that the time, date and place of the alleged offense was as follows: N/A

Defendant agrees, if an alibi defense will be offered, to notify the Commonwealth in writing (signed by the defendant) on or before N/A 19, of the place or places as which the defendant claims to have been at the time of the alleged offense and the names and addresses of the defendant's ilibi witnesses.

*Strike out inapplicable parts of the form, fill in dates, check boxes and provide other information as indicated; attach additional sheets as needed.

See footnotes 1, 2 and 3 on reverse side.



EXHIBIT

B

COMMONWEALTH
OF
MASSACHUSETTS
WORCESTER, SS.
SUPERIOR COURT
CRIMINAL
DOCKET

COMMONWEALTH VS.

ROBERT W. HENDRICKSON

90 — 2250

NOTE: UNRELATED CASE

OF WORCESTER

OTHER CASE
GRATTON, MASS.

Offense: Armed Assault with Intent to Murder 265/15

Place: Worcester

Surety and amount:

Counsel: John Roemer, Public Counsel, 340 Main Street, Worcester 10/25/90

Justice disposing of case: Mulkern, J.

1990 August 17	1	Indictment
20		Summons - return day 9/4/90
Sept. 4		Plea Not Guilty
		Bail \$10,000 cash without prejudice (Greenberg, J.)
		Bail Warrant issued
		Conference and report 9/18/90
Oct. 1	2	<u>Pretorial Conference</u> , filed and approved (O'Neil, J.)
	3	Motion for Bill of Particulars, filed in Court and <u>Allowed by agreement</u> (O'Neil, J.)
	4	Motion for Exculpatory Evidence - Criminal Records of Commonwealth
	5	Witness, filed in Court and <u>Allowed by agreement</u> (O'Neil, J.)
	6	Motion for Medical and Physical Evidence-Hospital Records and Johnson
	7	<u>Rape Kits</u> , filed in Court and <u>Allowed by agreement</u> (O'Neil, J.)
	8	Motion to Inspect Medical Records, filed in Court and <u>Allowed by agreement</u> (O'Neil, J.)
16	9	Motion for Bill of Particulars, filed.
	10	Motion for Exculpatory Evidence-Criminal Records of Comm. Witness, filed.
Nov. 23	11	Motion #8 Allowed (Tuttle, J.)
26	12	Motion for Required Finding of Not Guilty, filed and Denied (Mulkern, J.)
		Request for Jury Instructions, filed in Court
		Motion in Limine to Exclude evidence of Defendant's Prior Conviction(s),
		filed in Court
26		Verdict--Not Guilty
		Defendant discharged (Mulkern, J.)

WHAT AGREEMENTS?
they are not on the
Pretorial Conference
Report...

NOTE: A REPORT
WHAT'S ON IT?
KIT DOING ON IT?
UN RELATED CASE?



COMMONWEALTH
OF
MASSACHUSETTS
WORCESTER, SS.
SUPERIOR COURT
CRIMINAL
DOCKET

COMMONWEALTH VS.

ROBERT W. HENDRICKSON

90 —

2251

OF GRAFTON

Offense: Aggravated Rape 265/22

Place: Grafton

Surety and amount:

Counsel: John Roemer, Public Counsel, 340 Main Street, Worcester 10/25/90

Justice disposing of case:

Mulhern, J.

1990 August 17	1	Indictment
20		Summons - return day 9/4/90
Sept. 4		Plea Not Guilty
Oct. 1		Pretrial Conference Report, filed and approved (See #2 case 90-2250)
		Motion for Bill of Particulars, filed in Court and <u>Allowed by agreement</u> (See #3 case 90-2250)
		<u>Motion for Exculpatory Evidence</u> - Criminal Records of Commonwealth
		Witness, filed in Court and <u>Allowed by agreement</u> (See #4 case 90-2250)
		Motion for Medical and Physical Evidence - Hospital Records and
		Johnson Rape Kits, filed in Court and <u>Allowed by agreement</u> (See #5
		case 90-2250)
		Motion to Inspect Medical Records, filed in Court and <u>Allowed by</u>
		<u>Agreement</u> (See #6 case 90-2250)
		<u>Retract</u> <u>Plea of Not Guilty</u>
Nov. 26		Plea Guilty
		Sentence: 16 - 20 years M.C.I. Cedar Junction, said sentence to run
		concurrent with #90-2256, credit 168 days Chapter 279, Section 33A
		(Mulhern, J.)
		Mittimus issued
		Defendant notified of his right to appeal
		Order from Appeals Court, received
		Motion to ReVise and Revoke Sentence, filed - copy to Judge Mulhern
		Motion to Appoint Counsel for Revoke and Revoke Hearing, filed - copy to
		Judge Mulhern
		Motion to Withdraw Guilty Pleas and for a New Trial and Affidavit in
		Support, filed
		Motion for the Appointment of Counsel, filed
1991 Feb. 25	2	
april 26	3	

my photostatic process.
David C. ...
st. Clerk



EXHIBIT

C

COMMONWEALTH
OF
MASSACHUSETTS
WORCESTER, SS.
SUPERIOR COURT
CRIMINAL
DOCKET

COMMONWEALTH VS.

ROBERT W. HENDRICKSON

90 —

2253

OF GRAFTON

Offense: Indecent Assault and Battery ~~27945~~ 27945.13G

Place: Grafton

Surety and amount:

Counsel: John Roemer, Public Counsel, 340 Main Street, Worcester 10/25/90

Justice disposing of case:

Mulhern, J.

1990 August 17	1	Indictment
20		Summons - return day 9/4/90
Sept. 4		Plea Not Guilty
Oct. 1		Preliminary Conference Report, filed and approved (See #2 case 90-2250)
		Motion for Bill of Particulars, filed in Court and Allowed by agreement (See #3 case 90-2250)
		Motion for Exculpatory Evidence - Criminal Records of Commonwealth
		Witness, filed in Court and Allowed by agreement (See #4 case 90-2250)
		Motion for Medical and Physical Evidence - Hospital Records and
		Johnson Rape Kits, filed in Court and Allowed by agreement (See #5
		case 90-2250)
		Motion to Inspect Medical Records, filed in Court and Allowed by
		Agreement (See #6 case 90-2250)
		Retract Plea of Not Guilty
Nov. 26		Plea Guilty
		Sentence: 4 - 5 years M.C.I. Cedar Junction, said sentence to run
		concurrent with #90-2256, credit 168 days Chapter 279, Section 33A
		(Mulhern, J.)
		Defendant notified of his right to appeal
		Mittimus issued
1991 Feb. 25		Order from Appeals Court, received
		Motion to Revise and Revoke Sentence (See case 90-2251)
		Motion for Appointment of Counsel for Revoke and Revise (See case 90-2251)
		Motion to Withdraw Guilty Pleas and For a New Trial and Affidavit in
April 26		Support (See #2 case 90-2251)
		Motion for the Appointment of Counsel (See #3 case 90-2251)

-over-

Attest: Notar Public.

[Signature]
Attest: *[Signature]*
Notary Public

EXHIBIT

C

COMMONWEALTH
OF
MASSACHUSETTS
WORCESTER, SS.
SUPERIOR COURT
CRIMINAL
DOCKET

COMMONWEALTH VS.

ROBERT W. HENDRICKSON

90 -

2255

OF GRAFTON

Offense: Kidnapping 265/26

Place: Grafton

Surety and amount:

Counsel: John Roemer, Public Counsel, 340 Main Street, Worcester 10/25/90

Justice disposing of case: Mulkern, J.

1990 August 17	1	Indictment
20		Summons - return day 9/4/90
Sept. 4		Plea Not Guilty
Oct. 1		Pretorial Conference Report, filed and approved (See #2 case 90-2250)
		Motion for Bill of Particulars, filed in Court and Allowed by agreement (See #3 case 90-2250)
		Motion for Exculpatory Evidence - Criminal Records of Commonwealth
		Witness, filed in Court and Allowed by agreement (See #4 case 90-2250)
		Motion for Medical and Physical Evidence - Hospital Records and Johnson Rape Kits, filed in Court and Allowed by agreement (See #5 case 90-2250)
		Motion to Inspect Medical Records, filed in Court and Allowed by Agreement (See #6 case 90-2250)
Nov. 26		Retract Plea of Not Guilty
		Plea Guilty
		Sentence: 9 - 10 years M.C.I. Cedar Junction, said sentence to run concurrent with #90-2256, credit 168 days Chapter 279, Section 33A (Mulkern, J.)
		Mittimus issued
1991 Feb. 25		Order from Appeals Court, received
		Motion to Revise and Revoke Sentence (See case 90-2251)
		Motion for Appointment of Counsel for Revoke and Revise (See case 90-2251)
		Motion to Withdraw Guilty Pleas and For a New Trial and Affidavit in Support (See #2 case 90-2251)
April 26		Motion for the Appointment of Counsel (See #3 case 90-2251)

-over-

photostatic process.

Asst. Clerk

EXHIBIT

D

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1 NEAR A LAKE. SHE DEMANDED THAT THE DEFENDANT
2 TAKE HER HOME, WHICH HE WOULD NOT. THE
3 DEFENDANT PUT THE VEHICLE IN PARK AND PUSHED
4 BACK THE PASSENGER SEAT OF THE AUTOMOBILE, AND
5 HE PROCEEDED TO GET ON TOP OF HER. PULLED HER
6 HEAD BACK, HELD HER BY THE HAIR, AND DEMANDED
7 THAT SHE TAKE HIS PENIS OUT OF HIS PANTS OR
8 HE'D KILL HER. THEREAFTER HE TOOK HER PANTS
9 OFF, HE ENTERED HER VAGINALLY WITH HIS PENIS.
10 MS ODETT TRIED TO PUSH HIM AWAY BUT SHE COULD
11 NOT. THE DEFENDANT THEN BROUGHT HER BACK TO
12 THE FRENCH CONNECTION WHERE SHE REPORTED THE
13 INCIDENT TO A BARTENDER AND THEREAFTER TO THE
14 POLICE.

15 Q. NOW, YOU HEARD WHAT MR. MORIARTY SAID?

16 A. YES.

17 Q. IS WHAT HE SAID TRUE?

18 A. NO.

19 Q. ALL RIGHT. IN WHAT RESPECT?

20 A. THERE WAS -- THE INCIDENT THAT WAS SUPPOSEDLY
21 HAPPENED WAS DOWN AT UNCLE CHARLIE'S ON
22 GRAFTON STREET. AND FROM THE WITNESSES DOWN
23 THERE, THEY SAID THAT THE INCIDENT HAPPENED
24 BEHIND THE BAR.

EXHIBIT

D

PAGE 9

1 Q. WELL LOOK --

2 A. OR BEHIND THE BUILDING.

3 Q. SO, PLEASE UNDERSTAND WHAT I AM DOING NOW. I
4 HAVE TO BE PRETTY CERTAIN, IN FACT CERTAIN,
5 THAT YOU, IN FACT, DID WHAT IS ALLEGED IN
6 THESE INDICTMENTS. NOW, WHERE IT OCCURRED IS
7 NOT ALL THAT IMPORTANT. WHAT IS IMPORTANT IS
8 WHETHER OR NOT YOU CONFINED KATHLEEN ODETT
9 AGAINST HER WILL AT SOME POINT IN TIME, KEPT
10 HER FROM GOING WHERE SHE WANTED TO GO, THAT IS
11 KIDNAPPING. DID YOU DO THAT?

12 A. NO, I DIDN'T.

13 THE COURT: OKAY. YOU WANT TO TALK
14 TO HIM OR --

15 MR. ROEMER: IF I MAY JUST A MOMENT,
16 YOUR HONOR.

17 THE COURT: GO AHEAD.

18 MR. ROEMER: STEP OVER HERE?

19 THE COURT: SURE.

20 MR. ROEMER: (CONFERRING WITH THE
21 DEFENDANT).

22 EXAMINATION BY THE COURT

23 Q. NOW, MR. HENDRICKSON, YOU HAVE HAD AN
24 OPPORTUNITY TO TALK TO MR. ROEMER?

D

PAGE 10

1 A. YES.

2 Q. AND NOW, I WANT YOU TO UNDERSTAND ME HERE.
3 YOU HEARD WHAT MR. MORIARTY SAID. DID YOU
4 CONFINE THE YOUNG LADY AGAINST HER WILL FOR
5 SOME PERIOD OF TIME?

6 A. YES, I DID.

7 Q. ALL RIGHT. DID YOU HAVE SEXUAL INTERCOURSE
8 WITH HER?

9 A. YES, I DID.

10 Q. AND WAS IT AGAINST HER WILL?

11 A. YES.

12 Q. ALL RIGHT. AND EITHER BEFORE OR DURING THE
13 COURSE OF THAT, DID YOU INDECENTLY TOUCH HER?

14 A. YES.

15 THE COURT: ALL RIGHT. I FIND THERE
16 IS AN ADEQUATE BASIS IN FACT FOR THE PLEA.
17 YOU MAY TAKE THE PLEA, MR. SULLIVAN. I AM
18 GOING TO FIND BASED ON THE FACTS THAT I HAVE
19 HEARD, THAT THE INDICTMENT ALLEGING RAPE IS
20 MERGED WITH THAT INDICTMENT ALLEGING
21 AGGRAVATED RAPE. DO YOU WANT TO BE HEARD ON
22 THAT, MR. MORIARTY?

23 MR. MORIARTY: NO, SIR.

24 THE COURT: ALL RIGHT. SO THIS IS

EXHIBIT

E

Robert Hendrickson
P.O. Box 466
Gardner, Mass. 01440

Laurie G. Aaron, Administrator
Board of Bar Overseers
75 Federal Street
Boston, Ma. 02110

Date: 30th of October 2001

RE: REQUEST FOR INVESTIGATION

Dear Ms. Aaron:

Please except the enclosed four (4) page memorandum as my complaint and request for materials and investigation against Attorney, John Roemer, whose business address is 390 Main Street Worcester, Mass. 01608. Also enclosed are copies of the Docket entries made by the Court with dates and Motions filed only by agreement, needing these agreements as well to be forwarded.

This complaint alleges that Attorney Roemer has committed, Inter Alia, acts of misconduct as set forth in the attached memorandum.

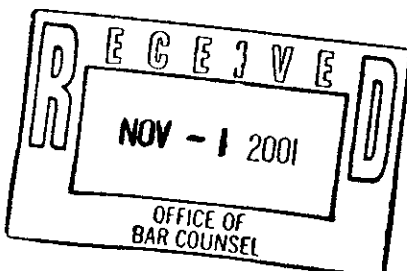
I understand that a copy of this complaint may be mailed to Attorney Roemer for a reply.

I also understand that this matter must be kept confidential by the Bar Counsel and the Board of Bar overseers.

Very truly yours,

Robert Hendrickson
Robert Hendrickson

Enclosures (11)



EXHIBIT

E

Memorandum:

RE: Commonwealth V. Robert Hendrickson
Worcester Superior Court No.90-2251-52-53-55

In accordance with the standards set forth in the Massachusetts Rules of Professional Conduct, Rule 3:07 et seq., and the enabling statute G.L. ch.221, § 40, Mr. Robert Hendrickson, (hereinafter "Hendrickson" or "grievant"), files the following complaint against Attorney, John Roemer, (hereinafter "Roemer" or "respondent").

STATEMENT OF FACTS

The grievant was appointed by the Court a CPCS Attorney approximately eleven (11) years ago for representation on the following matters:

(1) To investigate all matters and retain all police reports (several reports made by victim) and medical reports (rape kit).

(2) Filing motions on agreement with the Court without speaking to the grievant on any matters of the case for trial. (see attachments "Docket entry sheets").

(3) The respondent stated to the grievant that he never received any of the police or medical reports from the District Attorney's office.

For the above stated services the respondent never gave the the grievant a fair representation and the grievant plead guilty without investigative materials or exculpatory evidence. The grievant was appointed Attorney Richard Shea for appeal and none of the investigative material was apart of his appeal.

Since the grievant was appointed the respondent, the respondent has met with the grievant only once in the above matter. The grievant has made several attempts to contact the respondent via letters and telephone calls. The grievant's letters have gone unanswered and the telephone calls have been refused at the respondent's end.

COMPLAINT

RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable request for information.

EXHIBIT

E



[1] In this case, the respondent has neglected to keep the grievant reasonably informed regarding the status of investigative material and/or exculpatory evidence of the pending matters for which he was retained. In addition thereto, the respondent has refused to answer the grievant's letters and telephone calls.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

[1] The respondent has refused to explain the pending matters to the grievant and has refused to provide sufficient information for the grievant's participation in making intelligent decisions concerning his pending matters for which the respondent was retained.

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client. The lawyer should represent a client zealously within the bounds of law.

[1] The respondent has ignored the grievant's many requests to vindicate the grievant's endeavors for which he was retained. The respondent's commitment and dedication to the interests of the grievant's end, have been professionally inadequate for a defense at best. The respondent has not carried through to conclusion, all matters undertaken for the grievant.

RULE 1:6 Declining or terminating representation

Discharge:

(a) A client has the right to discharge a lawyer at any time, with or without cause.

[1] The grievant wrote several letters to the respondent's superior/Boss at CPCS at 390 Main St., Worcester, on or about September of 1990, explaining that the respondent has not met with the grievant nor has he retained any of the investigative material or exculpatory evidence pending against his client. The grievant received a letter back stating that if the grievant was having problems with his lawyer, he was to bring this matter before a Judge. The grievant started to file with the Board of Bar Overseers in October of 1990, but never had the chance to follow through with the complaint because he was late on receiving the complaint form and was heading for trial/plea hearing without the investigative material or exculpatory evidence.

For the foregoing reasons, the grievant respectfully requests an investigation ensue regarding the respondent's behavior and to turn over any and all investigative materials and exculpatory evidence that the grievant has asked for in the above complaint.

EXHIBIT

E



Respectfully Submitted
by the grievant,

Robert Hendrickson
Robert Hendrickson

Date: October 30, 2001



E

OFFICE OF THE BAR COUNSEL
BOARD OF BAR OVERSEERS OF THE SUPREME JUDICIAL COURT
75 Federal Street
Boston, Massachusetts 02110
(617) 728-8750
Fax: (617) 357-1866
www.state.ma.us/obcbbo

DANIEL C. CRANE
BAR COUNSEL

December 6, 2001

LEGAL CORRESPONDENCE

Mr. Robert Hendrickson
P.O. Box 466
Gardner, MA 01440

Dear Mr. Hendrickson:

We are in receipt of your recent correspondence.

The Office of the Bar Counsel investigates complaints of ethical misconduct against attorneys registered to practice in the Commonwealth of Massachusetts. Our jurisdiction is limited to violations of the Massachusetts Rules of Professional Conduct that regulate the practice of law in this state. However, please be advised that this office generally is precluded from investigating allegations concerning acts or omissions occurring more than six (6) years prior to the date of the filing of a complaint. Furthermore, we do not in the first instance have jurisdiction over claims of ineffective assistance of counsel.

Your grievance essentially alleges that Attorney Roemer did not provide adequate representation in a criminal proceeding. Without making any judgment as to the merits of your claim, such concerns should in the first instance be raised in court in an appeal or post-conviction proceeding. If you wish to pursue these claims in court, we would suggest that you consult with another lawyer. If you cannot afford counsel to represent you, you should file a motion for the assistance of counsel. You might also consult the Committee for Public Counsel Services, 99 Chauncy Street, 10th Floor, Boston, MA 02111, telephone number (617) 482-6212. For referral to private counsel you might contact the Massachusetts Bar Association Lawyer Referral Service, 20 West Street, Boston, MA 02111-1218, telephone number (800) 392-6164. If any post-conviction proceedings you undertake result in a decision by any court suggesting misconduct by an attorney, please bring this matter to our attention again at that time.

I am returning your correspondence to you for your convenience. A copy will be retained in our records for ninety days.

Sincerely,

Alison Mills Cloutier
Assistant Bar Counsel

Enclosure



CERTIFICATE OF SERVICE

I hereby certify that on this day I have mailed ⁷9 true copies of the above documents and was served by first class mail to the Clerks Office at the Appeals Court, 1500 Court House, Boston, Mass. 02108 and ²the District Attorney's Office at 2 Main St., Worcester, Mass. 01608, at Worcester Superior Court.

Date: *MARCH 2, 03*

Robert Hendrickson